

COUNCIL WORK MINUTES
AUGUST 19, 2015

The City Council held a meeting on Wednesday, August 19, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Marshal Mike Shurtz; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Aquatics Manager Chris Hudson; Heritage Center Manager Jason Clark; Project Engineer Jonathan Stathis; Library Director Steve Decker.

OTHERS PRESENT: Tom Jett, Joanne Brattain, Doug Hall, Jim Burgess, Necia Burgess, Michael Thomas, Ann Judd, Michael Radebaugh, Heath Oveson, Shannon Nowers, Karlee Hirschi, Jace Burgess, Haven Scott, Kip Hansen, Corey Baumgartner, Tim Watson, Bob Fulton, Debbie Drake, John Frisby, Joel Hansen, Scott Phillips, Terri Hartley, Brian Nichols, Linda Wilson, Carin Miller.

CALL TO ORDER: Pastor Matthew Baptist Church gave the invocation; the pledge was led by Paul Bittmenn.

AGENDA ORDER APPROVAL: Councilmember Adams moved to approve the agenda order; second by Councilmember Black; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Marchant – presented Mayor Wilson with roses for her birthday, everyone sang birthday to Mayor and Rick. ■Black – we seemed to have kicked the sign ordinance around, in the next 2 months we need to submit something to Planning Commission. I would suggest a public meeting like the strategic plan for the next three work meetings with bullet points that we would like to work on and discuss on and send to the Planning Commission. Mayor – do you want to give information on what you have found Danny? Danny Stewart – at the beginning of the year we had a project to work on this with a committee from the community to address things, myself and Cameron and took the current ordinance and looked at concerns and went through point by point to address things, read ordinances from other cities and tried to put together something comprehensive and found the complexity of that ordinance. We have some issues. We have put together a draft and took it to sketch committee and more discussion and issues were opened. We met with the Chief and Code Enforcement, but it is a complex issue. I also met with Paul Bittmenn. There are things going on around the country with sign ordinances. Rowley – the Supreme Court has messed up a lot with sign ordinances. Danny – I talked with a group that works on sign ordinances. I sent an email to Rick and we will address this. Black – I thought where we got good response with a

public meeting for the strategic plan, I thought this would be good to do for the sign ordinance. ■Kit – the NRCS is beginning the process to do evaluations on the Greens Lake flood control structures, dam 1 & 2 and 4 by the mountain subdivision. This will be a 3 or 4 year process, they are planning to upgrade to current standards which may only be enlarging a spillway, or could be total reconstruction. They are paying the costs for the construction needed. We held a kickoff meeting yesterday. The first year will be environmental work on the project. ■Kit – we hired Drew Jackson to replace Larry as the Building Official. He will do a good job, he has all the certifications. He has good training by Larry; we have advertised for Drew's position and are getting good applications. ■Rowley – we opened the Nitrate plant and due to Kit's work, coming as early as 4 a.m. and staying to 7 p.m. we saved millions of dollars. He does great work. Kit – my staff should be mentioned, they had to fill in and do a lot of work while I was out there.

Mayor – if you are here for an agenda item, wait until that item comes up.

PUBLIC COMMENTS: ■Bob Fulton, Event Chair for Iron County Relay for Life. We would like permission to put a 3x10 sign at the park. The relay will be on 9/11. The sign is for Main Street Park. Cozzens – would it go on the fence? Yes. Black – how long? 10 days to 2 weeks. Rick – typically we don't allow signs at the park, Council was asked to do Summer Games. Mayor – we do typically, as long as it is through the proper channels allow signs at the Mayor's Park. Paul – this is speech on the City property, you opened the door with Summer Games, I don't know how you distinguish one from another. How do you say one is better than another? Cozzens – can you say if it is a 501c(3). Marchant – can we address this with the sign ordinance? Paul – yes, but it is still free speech on City property. You can say none at all. Rowley – you are saying all or none. Cozzens – if we allow this do we have to allow yard sale signs? Rowley – can we designate a spot, Mayor's Park has this up now, when it is down you can advertise. Paul – that is what we have done for the banners. Rowley – like speaker's corner at Hyde Park. Black – Summer Games is limited to soccer. It is not the number of signs, it is the length. Paul – we can look at the length. You need to be equitable on how we enforce it. Cozzens – can we say non-profit only? Paul – no, you are distinguishing on who is doing the speaking. You can distinguish with commercial. Cozzens – what is different from the Main Street Park and the Mayor's Park? Black – I don't have a problem with the City Park, but only a week until we address this in the sign ordinance. Marchant – the Mayor's Park is a better location. Bob – Mayor's Park is fine. Mayor – will you work with Austin to place the sign? Austin, I will work with them.

RECEIVE RECOMMENDATIONS AND CONSIDER ALLOCATION OF THE FY 2015-2016 ARTS PORTION OF THE RAP TAX – PAUL BITTMENN: Paul – Joann is here, she is the Chair, they had a budget and the requests far exceeded the requests. They have \$45,658.70 general and \$16,184.30 in preservation & restoration. Joanne Brattain – we had 15 groups that applied for money, \$227,698 in request, 64% ratio with a 7 person board, we considered economic, how many heads in beds, quality of life and educational factors and financial viability of the group and the % of their budget, we want them to pursue other sources of income.

Preservation & restoration – Heritage Theatre requested \$1,500 and it was recommended. For the general money, Cedar City Library requested \$2,200, we recommended \$1,959, one of 19 libraries nationwide to be selected by the Smithsonian. Cedar City Music Theatre requested \$12,000, we recommended \$8,000. Cedar City Arts Council, undergone major overhaul, they requested \$10,000, and we are recommending \$7,000 less than 50% of their budget. Cedar City Junior Ballet requested \$16,370, we are recommending \$8,500 less than 50% of budget and have other sources. Cedar City Music Arts requested \$18,000, we recommended \$12,000 they do educational programs for our students, and it is less than 20% of budget. Cedar City Livestock & Heritage Festival requested \$15,000, we recommend \$9,500, it is less than 20% of their budget and 10 year anniversary. Cedar Valley Community Theatre requested \$18,000, recommended \$8,000 it is more than 50% of budget, but they are making progress. In Jubilo requested \$3,500, we are recommending \$2,000, they are making good progress on funding and take donations and purchase their own clothing. Master Singers requested \$5,500 and we recommend \$3,000, it is 50% of their budget. Orchestra of Southern Utah requested \$15,000, we recommend \$11,000 they put on high quality performances 20% of budget. Southern Utah Museum of Art requested \$6,000 and we recommend \$3,500, Braithwaite does programs for school students. We feel it is one of the few visual arts and it is small amount of their budget. Suzuki Strings requested \$6,300, we recommend \$1,200, they have a limited number of students. Utah Shakespeare Festival requested \$80,000, and we are recommending \$50,000 it is economic driver of the community, they do a lot for free, small amount of their budget with a huge impact. We have also been told that they will receive money from TRT as well. Neil Simon requested \$35,000 and we recommend \$20,000. Southern Utah Space foundation requested \$3,828, for new telescope we recommend \$0, they did not have any other funds. We want to make sure money goes to something that will last.

Rowley – I came in during their last deliberations and there was a late add and the anguish to rearrange. They worked very hard. Mayor – we are very fortunate with the people on our committees. Cozzens – you spend a lot of time and it is not my background so I appreciate the committee a lot. Rowley – this makes the City a great place to live. Joanne – 50% goes back to the City for rental at the Heritage Center. Consent.

**RECEIVE RECOMMENDATIONS AND CONSIDER ALLOCATION OF THE
FY 2015-2016 PARKS AND RECREATION PORTION OF THE RAP TAX –
PAUL BITTMENN :**

Paul – their budget was \$32,368.60 in preservation and \$291,317.40 in general monies, \$851,517 in requests. Mrs. Bleazard is here and has been part of the P&R Board since the start.

Mauri Bleazard – Ricky Mendini is the Chair, but he could not be here.

Aquatic Center –they requested \$31,400, we are recommending \$24,000, \$3,000 for electrical upgrades for the concession area, \$2,000 for main door ADA upgrades, \$6,000 for interior ADA doors, \$5,000 for couches and \$8,000 for paddle boards. We hope to

sell things for like kayaks for money. Parks requested \$341,000, we recommend \$130,000 \$56,000 asphalt maintenance, \$32,368.60 from preservation and \$24,631.40 from the general money. They asked for more, to add manpower from the City to make the costs cheaper. \$15,000 for irrigation smart timers and \$46,000 for Fields at the Hills they have to pull in the walls for the little children. \$13,000 for Bicentennial renovations, if you drive in and look at the signs, they were painted on the block walls; they want nicer signs, other issues with drinking fountains. Cedar City Sports and Recreation we are recommending \$3,117 for portable adjustable basketball hoops. Cedar Ridge Golf \$81,289 recommend for portable golf demo equipment and patio expansion. Cross Hollows \$14,000, we are recommending the entire amount for asphalt and electrical hook-ups. Frontier Homestead requested \$72,000, we are recommending \$20,000. They have not asked everyone for funds, this will also get them started. Southwest Wildlife requested \$31,000 and we recommended \$0. We don't know how the City will own the facility and they don't want to gift it back. Paul- if they want to recommend funds, we need to work with them on an agreement like we do YETI which is for things the City owns. Rowley – I hope we will, they own the property at the top and this would be for restrooms and it would help those that use the trail. Cedar City Trails requested \$100,000 recommended \$50,000, for a path for mountain bikes on BLM. YETI asked for \$175,000, \$1,280 was recommended which is for an individual electric meter. The other was for a pavilion to put over the ice in order to extend the year. They are not quite ready and it does not match the building. We would prefer a master plan that matches and is decided before it is made a permanent structure.

Adams – this committee is terrific, the representation we have and the knowledge is overwhelming to me. That is why good decisions are being made. Black – I sat in on both meetings and the ideas and concerns are great.

Rowley – have they started work on the Thunderbird Gardens parking? Rick – yes, the Street Department has helped with removing grubbing and haul in other material.
Consent.

REVIEW VICINITY PLAN FOR ASHDOWN FOREST PHASE 8 PUD – KIT WAREHAM/FIDDLERS CANYON DEVELOPMENT: Heath Oveson , Go Civil – this is the last installment on this side of the drainage channel, the City water tank is against it and BLM on the east. It is very similar to other phases of Ashdown Forest. Black – does the road access issue play into this phase? Kit – that is on phase 9. Kit – I mentioned in the write up, 35 lots and anticipating putting in a private water system, the City will supply the water, but our system does not have the pressure up there to provide fire flow or adequate pressure, they will put in a package system to provide pressure for water and fire flow, they will then run the system themselves. It is City water, but the pumping system is private. Heath – it is our hope that when the Water Department is more comfortable that the City will take the pump and run it. It is the water department that is not sure of operating costs and maintenance so it is proposed to put it in as a private system. We will then come and show it is to City spec and take the system. There will be a meter at the pump and at the individual lots. We want to get out as soon as possible. Kit – costs are the big unknown, they have to test the fire flow and high

electrical costs on it and if there are only a few homes built would the City absorb the cost for one or two homes. Black – will the specs on the meter be what we now have? Yes. Rowley – if there is a brush fire and the power goes out and the fire truck goes up, what happens with the pressurized pump? Heath – there is natural gas and a generator system to supply the system, that is industry standard. Paul – does this still have the trail? Heath – yes, the City Master Plan shows a trail running north and south. The canyon that sets in the back down to the Golf Course most is so steep it is hard to use, there is a jeep trail. We have made arrangements to plumb it to the bottom of the subdivision, and instead of a 4' sidewalk our plan is to put it in 8' or so and connect it to the Cedar City Trails Master Plan. Paul had questions about having a public trail through a private PUD; we don't have a final in that. Paul – that is a new thing, a public trail in private PUD, we do snow removal, etc., and we need to work things out to make it like all trails. Heath – all streets are easements to the City for utilities. Kit – if it is combined for pedestrian and bikes it needs to be 10 feet wide. Rowley – you would have to deal with cars coming out of driveways. Paul – we have one in Cross Hollows like this. Consent.

CONSIDER GRANTING AN EASEMENT TO GARTH O. GREEN ENTERPRISES TO CROSS 200 WEST AT 500 NORTH WITH A COMMUNICATIONS CONDUIT – KIT WAREHAM/MIKE GREEN:

Mike Green – we are on 200 West, 506 North for our corporate office, we also have a development office and a call center. We have been having a problem with the service cluster and heavy data are in different locations, we would like to have a larger fiber line. They will be digging up the street, we want to put a conduit to run the fiber line between the two buildings. We are looking for an easement. Black – any problems? Kit – no, Jonathan has been working on this and it has separation from the water line. Rowley – we underestimate what GO Green does for the community. Mike – we have 130 employees. Paul – the business will pay the bills, our engineering people will determine where they set next to the other utilities. Mike – they want a 2 foot separation. They have estimated cost for an additional two feet and asphalt. Consent.

CONSIDER FINAL PLAT FOR THE WINDMILL SUBDIVISION – PAUL BITTMENN/WATSON ENGINEERING:

Tim Watson & Jim Burgess – we are here for final plat for Windmill Plaza. We came through in June for vicinity plan. We have worked with Kit and Engineering and UDOT and the utilities to design and connect the existing Interstate Drive to Main Street on the south end of town. The northbound onramp to I-15 is to the west, Comfort Inn and vacant land. We have 5 commercial plats from 1 acre to just over 2 acres in size with public utilities, sewer, water and a City street. We have worked with UDOT for access to Main Street and for drainage. We have the sizes according to UDOT requirements to drain under I-15 to the north. We have worked with Jim McConnell and Scott Snow. The construction drawings are in to the Engineering Department, bonding is in place and fees are paid. Mayor – how does the driveway go to Comfort Inn? Jim – we had problems working with the owners of Comfort Inn, they are in India. We worked with UDOT and moved the approach. Black – there were a few questions, a separation green belt between north end of property and property owners? Tim – there is a 30 foot minimum setback for a structure, but not a

green belt. Black – we were concerned about dumpsters against the wall of the residents. Jim – we don't know what will go there, so that is not addressed. Black – can you ask to keep noise from property line as much as possible? Tim – we will have a block wall there as well, at least a 6 foot separation wall to reduce some of that. Each lot will be developed by a separate owner and they go through what every commercial property has to. Kit – the minimum set back is 20 feet, they are 30 feet. Black – retention basins? Tim – we don't need them. Black – also signage, can we put local traffic only? Tim – nothing was brought up through the engineering office. Jim – it is your street. Kit – we have a traffic study, the traffic should be minimal. If it becomes a problem we can look at signs. Mayor – those are things that are not required. Cozzens – there is no onsite retainage? Tim – individual property owners may need to do that to get it to the street. The connection to Interstate Drive we have culvert inlets to take it to I-15. They will do that as it is developed. Cozzens – is the grade? Tim – two lots will be tough, and will go to the northwest. We have a drainage easement in lot 5 to 3 and 2 and 4 will also have access. It would be part of the onsite development. If lot 5 develops first they would front the cost without lots 3 and 4 to get the drainage. Kit – they can't drain on another lot without easements. Tim – we are asking for final plat approval, with everything turned in and approved by City Staff. Rowley – it looks like a lot of study and work and it is ready to go. Black – with all the questions, are there any ordinance or legal road blocks that have not been addressed. Paul – no.

Mayor – last week we were presented a binder, Rick and I have previously met with Mr. Grimm and Mr. Haight and Mrs. Imlay about a number of concerns. We went through the binder today with staff and went through items again. Rick will give a brief summary of items in the binder; the answers that were given that Mr. Grimm and Mr. Haight a few weeks ago, the answers are the same. Rowley – the pre grubbing, is the \$2,500 the fine? Mayor – yes, \$500 per lot and it has been paid along with all other fees. It was paid Friday. Marchant – I can see us going over this forever. I don't think we can come up with anything we have not already addressed. I recommend it on the consent calendar and get it on the way. Rowley – you asked people if they had something on the agenda not to go under public comments. Rick – item #1 about distance between commercial and residential, it is not anything new, we have it through town and the developer is going beyond the setbacks. Anytime a commercial zone builds against a residential use they are required to put a 6 foot wall. #2 commercial zone change, it has been zoned for over 20 years as commercial. #3 illegal grubbing claim, this is something we encourage developers to wait, but we have a provision if they do things before final plat they must pay, and they have paid that. Black – is there dust mitigation problems? Mayor – we don't have a dust control regulation ordinance. #4 uncontrolled fill, every subdivision as far as the public improvements has a soils test, that is provided and another will be required at development, so compactions and burying organics. #5 Code advice about Fire Chief recommending street go through. Chief Phillips requested opinions from Deputy Fire Marshall of the State and Chief of St. George and they both thought the road needed to go through. #6 a concern about sewer capability, with information that our Wastewater Collection acquire and monitor ongoing, the Engineers office felt there was adequate sewer capacity and modifications at 860 West 800 South to give more capacity. There was a concern with code violations, we are not sure what those are, we are

comfortable with efforts of our Building Department and inspections that will take place with public improvements and eventual private improvements the Building Department will enforce. Concern about commercial zone confusion, we pointed out that the City has a zoning map and land use map and both have different functions, land use is a long term plan showing where residential, commercial and industrial should go and the zoning map showing what is zoned. Those are the concerns that have been raised and we are comfortable. Rowley – nice document, thank you very much.

Mayor – you can make brief remarks on something that has not already been addressed.

Robin Haight for Windmill Subdivision – we feel it is unfair for residents that have lived there 5, 10, 15, 20, 25 years, we feel the developer has had special rights. There is a lady 2 blocks from me that have plumbing problems, a house that people have left. We are concerned about heavy construction equipment on Interstate and no sewer analysis on that street. When we came in recently we were told we could do a GRAMA request on the camera. I recognize \$11 million restoration on the sewer plant. We have rights. People in Provo think it is hilarious that it does not go to the light on Main Street. We have been in contact with Brian Maxfield in 2010 was the planner and there was no intentions to take this road through to Main Street or Cross Hollows. It gives maximum advantage to the developer and trashes our rights. Mayor – we have talked about this before. Robin – Brian will come and testify. Mayor – we can here facts. Robin – Provo Fire and Planners have looked at this. Marchant – have them been on site? Robin – Brian Maxfield has met with Wade. Brian used to talk about what he knew. Black – were these informal discussions or did you hire them? Wade Grim – informal. Robin – our rights should be protected and defended. We want to see the videos of the sewer and we won't have a problem. There is 400 degree of change in the flow, how big the hole at the top of Windmill is not as important as the end of Interstate. We get unfair calls from some of the staff that are present to be different than what it is. Mayor – when Rick and I met and they asked for only the two of us, we planned to have Kit, Paul and Mike there, they asked that it be just Rick and I. From there Wade said he had concerns about the sewer, we said give us a list and Rick and Kit will drive with you and look at that, because it is against the ordinance to lift the manholes and look at them, and that arrangement got pushed off, we never got a list, staff had offered to go look at these areas, it was never followed through on. Robin – can I give an opinion? We had a first meeting with staff and Mayor and Kit were not there to intimidate us to cooperation. We didn't want to argue so we came to a meeting to address them in front of someone to make a decision. Rick responded back, I did not see your opinion. Mayor – it was our opinion together. Robin – I thought it was only Rick. It is an uneven playing field. I think it needs to be tabled and reconsidered. They are not idle points. There is no conjecture in what we are saying, help us. We have not personally attacked you; we are concerned about the staff making it hard.

Wade Grimm – Provo Fire Chief says that none of that is in compliance with specific regulations on IFC, that is not what it means, diagonal is a measuring point. Brian Maxfield was a planner here for 6 years, last meeting in 2010 before terminated, the last thing discussed at the south end of Interstate was a cul-de-sac with five homes to keep it

separate from the commercial and take the commercial in and out on Main Street. He will swear to that. I talked with two developers I worked with in Reno, and they had opportunity to negotiate in advance with the interchange being built to have access through a light and there is no better way for a development than a light that would double the property value. As far as separation from residence, you know XXXX well that is what we do Wade because you have been a part of it, it is like auto pilot and if you don't have it on the plan they will throw you out. I do have sewer questions Kit. Mayor – will you not swear in the council chambers. Wade – I will do my best, but I am just a little upset. Mayor – I am not requesting, I am demanding that you do not swear in our council chambers. Wade – you said the interstate line is 4%. Kit – I don't remember what I said, it is something like that. Wade – you said 4%, and for what you say from what you furnished that maybe qualifies as an as built on an 8 1/2 x 11, it averages 3%. Mayor – Wade, if you are going to insult staff when we have given you opportunities, it will not be tolerated. Wade – is it 3 or 4%? Kit – I will have to look and see. Wade – from what I read and another engineer that looked at the paper said 3%, you said 4%, that is a 25% mistake right up front. Kit - We didn't look at the overall grade. We looked at each segment of line from manhole to manhole. Wade – the average from the south end to the north end is 3%, that is 25% miscalculation. Wade – you said there are about 80 lots on the line, how close is about, 76? there are actually 94 and another 10 lots that are not developed, that is another 25% mistake. Mayor – there are items we have we given plenty of time to talk about in a respectful manner, I will not tolerate disrespectful to staff. Wade – do you know how many times we have been disrespected in here and in private meetings, quite a few and we can show you the video. Mayor - don't disrespect people, we will ask for items we can address, we have addressed everything in the binder, and if there is something new that is not disrespectful we will address it. Wade – what time frame do you have tomorrow, can we go for a 2 hour ride. Before we leave give me your cell phone number and we will go for a ride tomorrow because there are some serious questions and errors, and Rick you can come to. Wade – Friday is out of the question. Rick – if we want to come in we can look at as-built drawings. Wade – they are not correct. Some may be close, but they are not correct. We would be better to have a drive, Friday is out my mother has cancer surgery. Mayor – are there other items. Wade – I have one more item, but you keep saying we can't bring this up or that up. We are tax payers and you are bordering on violation of our first amendment rights under censorship because you are trying to shut us up.

Mike Phillips – I talked with Lynn Schofield the Provo Fire Marshall and said the Provo Fire Chief does not talk to individuals about plans, he talks to the fire marshal. He said he talked to Mr. Maxfield about these plans, that were drawn on a pice of paper. He said if I send him the plans he will review them tomorrow and send us a review. Mayor – thank you and thank you for getting the other two independent evaluations, that is useful information. Consent.

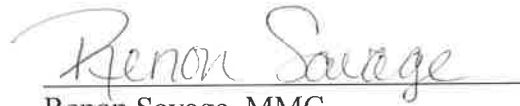
CONSIDER A COOPERATIVE AGREEMENT WITH UDOT TO INSTALL A FIBER OPTIC LINE IN AIRPORT ROAD FOR TRAFFIC SIGNAL

COMMUNICATIONS – KIT WAREHAM: Kit – UDOT has a fiber optic network to control the signals in the City Office, they want to move it to their District Office on

Airport Road and need to make a connection to 200 North and tie onto their existing fiber. You have a cooperative agreement in your packets of what they want to do. They would give us one strand of fiber on that existing fiber line to connect to the City office to the Public Works Building and to the Airport and facilities along Airport Road. We asked if we would be allowed to review the design to make sure it doesn't interfere with other utilities. They have asked that we waive bonding requirements like they do for us. Rowley – is this the orange lines? I think. Rowley – Will they trench or drill? We don't know. Black – did we get our issues settled? Kit – not yet. If it is on the east side of the road it will impact that, if on the west it will not. I think they have the design drawings. Action.

CONSIDER A RESOLUTION ADOPTING THE CEDAR CITY STRATEGIC PLAN – MAYOR WILSON: Rowley – it is a nice document; it will be good for the future. The short term things, what happened to them? Mayor – they are not part of the official plan. Rowley – did the meeting with the County get done? Rick – we will make sure. Paul – the department goals or mission statement can be changed without council approval, but she is required to tell you what the changes are.

ADJOURN: Councilmember Rowley moved to adjourn at 7:05 p.m.; second by Councilmember Black; vote unanimous.


Renon Savage, MMC
City Recorder

